

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                   |  |                      |
|-------------------|--|----------------------|
| In re Reissue of: | <b>U.S. Patent No. 5,767,115</b>   | :                    |
| Applicants:       | Rosenblum et al.   | :                    |
| Serial No.:       | To Be Assigned   | Group Art Unit: 1202 |
| Filed:            | To Be Assigned   | Examiner:            |
| Granted:          | June 16, 1998  | :                    |
| For:              | Hydroxy-Substituted Azetidinone<br>Compounds Useful As<br>Hypocholesterolemic Agents | :                    |

**WRITTEN CONSENT OF ASSIGNEE**

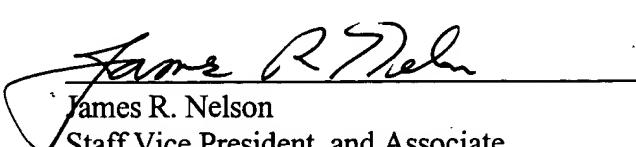
Commissioner of Patents  
Washington, D.C. 20231  
BOX REISSUE APPLICATION

**SIR:**

Schering Corporation, the assignee of United States Patent No. 5,767,115, consents to the filing of the present application for the reissue of U.S. Patent No. 5,767,115. The undersigned is authorized to sign this consent on behalf of the assignee.

Respectfully submitted,

Date: June 14, 2000

  
\_\_\_\_\_  
James R. Nelson  
Staff Vice President, and Associate  
General Counsel, Patents & Trademarks  
SCHERING-PLOUGH CORPORATION

Vice President  
SCHERING CORPORATION  
Patent Department K-6-1 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue of: **U.S. Patent No. 5,767,115** :  
Applicants: Rosenblum et al. :  
Serial No.: To Be Assigned : Group Art Unit: 1202  
Filed: To Be Assigned : Examiner:  
Granted: June 16, 1998 :  
For: Hydroxy-Substituted Azetidinone :  
Compounds Useful As :  
Hypocholesterolemic Agents :

**CERTIFICATE UNDER 37 C.F.R. 3.73(b)**

Commissioner of Patents  
Washington, D.C. 20231  
**BOX REISSUE APPLICATION**

SIR:

Schering Corporation certifies under 37 C.F.R. 3.73(b) that it owns the entire right, title and interest in United States Patent No. 5,767,115 and the reissue application identified above. An assignment from the inventors to Schering Corporation was recorded in the United States Patent and Trademark Office on May 20, 1996 at Reel 7960, Frame 0455. The undersigned is authorized to sign this certificate on behalf of Schering Corporation.

Respectfully submitted,

Date: June 14, 2000

  
James R. Nelson  
✓ Staff Vice President, and Associate  
General Counsel, Patents & Trademarks  
SCHERING-PLOUGH CORPORATION

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2000 Galloping Hill Road  
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10685 U.S. PTO  
06/15/00

PATENT  
Docket No. 2976-4032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FOR REISSUE PATENT APPLICATION

**HAND CARRY**

In re Reissue of: **U.S. Patent No. 5,767,115** :  
Applicants: Rosenblum et al. :  
Serial No.: To Be Assigned : Group Art Unit: 1202  
Filed: To Be Assigned : Examiner:  
Granted: June 16, 1998 :  
For: Hydroxy-Substituted Azetidinone :  
Compounds Useful As :  
Hypocholesterolemic Agents :

10685 U.S. PTO  
06/15/00

BOX REISSUE APPLICATION  
Director of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Attached is the application for reissue of U.S. Patent No. 5,767,115, issued on June 16, 1998.

Enclosed are the following:

1. Specification, claims and drawings  
[43] pages of text (specification, claims, abstract)  
[13] claims
2. [6] Pages of declaration and power

3.  Preliminary Remarks are attached.
4.  Executed Written Consent by the Assignee is attached
5. Offer to surrender the original Letters Patent in accordance with 37 CFR § 1.178 is attached.  
 Offer to surrender is by the inventor  
 along with assent of Assignee.  
 Offer to surrender is by the assignee and is included in the Declaration.
6. Letters Patent  
 Original Letters Patent are attached.  
 Declaration that original Letters Patent lost or inaccessible.
7.  Certificate Under 37 C.F.R. § 3.73(b)
8.  A Form PTO 1449 (including 47 cited references) and Information Disclosure Statement is attached.
9.  Priority is claimed under 35 U.S.C. § 119 from \_\_\_\_\_ Patent Application(s) No. \_\_\_\_\_ dated \_\_\_\_\_.  
 The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
10. The Government filing fee is calculated as follows:

## NON-SMALL ENTITY

|  | NO.<br>FILED |       |    | NO.<br>EXTRA | RATE | FEE          |
|--|--------------|-------|----|--------------|------|--------------|
| TOTAL  | 4            | minus | 20 | = 0          | x18= | \$ 0         |
| INDEP  | 2            | minus | 3  | = 0          | x78= | \$ 0         |
| <u>First Presentation, Multiple Dependent Claims</u>                       |              |       |    | +260=        |      | \$ 260       |
| Base Filing Fee  |              |       |    |              |      | \$690        |
| <b>TOTAL FILING FEE* (accounting for possible<br/>small entity status)</b> |              |       |    |              |      | <b>\$950</b> |

\*Reduced by one-half, as applicant(s) is/are a "small entity". A Declaration Claiming Small Entity Status:

is filed herewith;  
 will be filed at a later date.

Executed Declaration by the Assignee is submitted herewith.

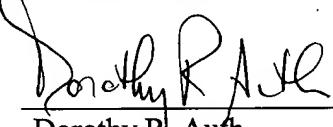
Executed Declaration(s) will be submitted at a later date pursuant to 37 CFR § 1.41 and § 1.53, with an appropriate surcharge under 37 CFR § 1.16(e).

Charge Fee(s) to Deposit Account No. 13-4500. Order No. 2976-4032.  
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for filing this application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4032. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

  
Dorothy R. Ash  
Registration No. 36,434

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